

Simon P. A. RINGLAND, *et al.*
Serial No. 10/581,290
March 30, 2010

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner is thanked for providing a "response to arguments" section at page 2 of the last office action. So as to better require patentable weight to be given to recitations earlier found in the claim preambles, the claims have been amended so as to move the limitation concerning a separate dialing phase into the body of the claim.

In response to the Examiner's objection to claim 28 as being a substantial duplicate of claim 27, claim 28 has been cancelled without prejudice or disclaimer.

In response to the rejection of claims 27-28 under 35 U.S.C. §112, 1st paragraph, the term "tangible" has been deleted from the remaining claim 27 as suggested by the Examiner.

Accordingly, all formality-based issues are now believed to have been resolved in the applicants' favor. Should any remain, the Examiner is respectfully requested to telephone the undersigned for prompt resolution.

The rejection of claims 19-22, 25-28, 29-32 and 35-36 under 35 U.S.C. §102 as allegedly anticipated by Kinnunen WO '372 is respectfully traversed.

Simon P. A. RINGLAND, *et al.*
Serial No. 10/581,290
March 30, 2010

Amended claims 19 and 29 now recite the “no separate dialing phase” feature in the body of these independent claims – which are also amended so that it is now clearly stated that the speech recognition is performed by a server in the network. Support for this amendment can be found in the specification at page 5, line 1.

Kinnunen describes a communications method and apparatus that, in order to enable hands-free operation of a mobile device, uses a voice operated transmission feature (VOX) for sending a message to another user. The VOX is incorporated in the mobile device and the feature comprises a voice recognition engine (VRE) that recognizes keywords in a message.

A problem of a device having a voice recognition engine listening for keywords in a message is that power consumption of the device becomes high. Kinnunen solves this problem by implementing a Voice Activity Detection (VAD) feature in the VOX so as to activate the VRE. (Since a hands-free operation of the feature in the telephone is essential, activating the VRE by pressing a button cannot be relied upon.) When the VAD detects talk, the voice recognition engine is activated, which then recognizes keywords in an utterance. When there is no talk, the voice recognition engine is turned off.

Applicants’ claimed invention differs from Kinnunen, *inter alia*, in that the voice recognition system is incorporated in a server in the network (which is now clearly stated in the independent claims). This has the advantage that any push-to-talk device,

Simon P. A. RINGLAND, *et al.*
Serial No. 10/581,290
March 30, 2010

even a simple device without voice recognition features, can be used in the system. Further, the prior art problem of too much power consumption in mobile telephones having a speech recognition engine is avoided with this solution.

Finally, the purpose of Kinnunen is not to provide a push-to-talk system that does not require a separate dialing phase, but rather to find a solution that reduces the high power consumption of mobile devices having a speech recognition engine.

Given the already discussed deficiencies of Kinnunen with respect to independent claims 19 and 29, it is not necessary at this time to identify or discuss additional deficiencies of this reference with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, it is impossible to support a *prima facie* case of anticipation unless the single cited prior art reference teaches each and every feature of the rejected claims.

The rejection of claims 23 and 33 under 35 U.S.C. §103 as allegedly being made "obvious" based on the same single Kinnunen WO '372 reference is also respectfully traversed.

Besides the above-noted deficiencies of Kinnunen, the Examiner here recognizes an additional deficiency because these claims require the speech recognition process to be performed only on a portion of the received audio stream when the intended recipient is indicated at the beginning of the audio stream.

Simon P. A. RINGLAND, *et al.*
Serial No. 10/581,290
March 30, 2010

To supply this recognized deficiency, the Examiner tries to equate the Kinnunen “password” to an indication of an intended recipient to be found at the beginning of an audio stream, etc. The Examiner’s rationale for finding this modification of Kinnunen “obvious” is only “...because a person of common sense addresses a target individual before speaking to them”.

With respect, whether or not a person of common sense addresses a target individual before speaking to them is irrelevant. Besides the fact that many people speak to other people without having prefaced such speaking with some sort of “address”, this has nothing to do with either teaching or suggesting that a speech recognition process is to be performed on only a portion of a received audio stream – when the intended recipient is indicated at the beginning of the audio stream. The asserted rationale for finding “obviousness” is simply a *non sequitur*.

In addition, the Kinnunen teaching at page 17, lines 11-24, actually refers to a “keyword” rather than a “password”. Furthermore, the “keyword” is merely recognized and used to function as the pushing//releasing of a “tangent” (presumably a push-to-talk switch of some sort). That is, the “keyword” discussed at 17:11-24 does not in any way identify an intended recipient, but instead merely identifies the point in time when a pseudo-switch has been pushed or released so as to start/stop a voice recognition process.

Simon P. A. RINGLAND, *et al.*
Serial No. 10/581,290
March 30, 2010

The rejection of claims 24 and 34 under 35 U.S.C. §103 as allegedly being made “obvious” based on Kinnunen in view of Vysotsky '063 is also respectfully traversed.

Once again, the Examiner recognizes deficiencies in Kinnunen, but here asserts that some deficiencies would be found “obvious” in view of the Vysotsky teaching at 5:45-50 and/or 8:31-35.

However, the Vysotsky teaching at 5:45-50 requires a voice verification circuit 255 when it is important to verify the entity of a caller before responding to a particular command. This is part of a voice recognition circuit 250. It would appear that only something downstream from the voice recognition circuit 250 might be “receiving an indication of the identity of a user who generated the audio stream”. The generation of a voice identification of a user as taught at 5:45-50 is hardly a means for receiving an indication of the identity of a user, etc.

The passage at 8:31-35 of Vysotsky deals with speaker-dependent speech recognition processes based on hidden Markov models with the use of “grammars”. It appears to deal with step 403 depicted in Fig. 4 – which it will be noted is upstream of arbitration 406 and call completion 424 (which logically appears to be associated with the “call completion and feature activation” block 256 back in Fig. 2B that has some relationship to the earlier cited passage at 5:45-50).

Simon P. A. RINGLAND, *et al.*
Serial No. 10/581,290
March 30, 2010

In any event, even though the Examiner has attempted to splice two disparate portions of the Vysotsky teaching, even if they are illogically “spliced”, they still do not teach selecting a user-dependent speech grammar for use by a speech recognition process in dependence upon the identity of the user – which was previously indicated by receiving an indication of the identity of a user who generated the audio stream, etc. Where, for example, is there any possible suggestion in Vysotsky of using a different grammar in a speech recognition process depending on the identity of the person who generated the audio stream? The Examiner’s hypothesis that “there would be a grammar selection means for selecting a user-dependent speech grammar dependent for the specific user if voice verification is performed on the individual” is merely speculation by the Examiner. Furthermore, the speculation is obviously based upon using the applicants’ own claimed invention as a template – rather than a legitimate analysis of what is actually taught to those of only ordinary skill in the art by the cited prior art documents.

The Examiner’s assertion that it would have been obvious to combine these teachings “to provide a way for a person who receives a message to know who sent the message to verify the identify of the caller” relies solely upon Vysotsky at 5:45-50, but as previously noted, this passage deals with the arbiter 254 being coupled to a call completion and feature activation circuit 256 by a line 257 and by a voice verification circuit 255. While this does apparently provide an arrangement for voice verification to

Simon P. A. RINGLAND, *et al.*
Serial No. 10/581,290
March 30, 2010

be performed selectively (when, for security purposes, it is important to verify the identity of a caller before responding to a particular command), that does not offer any teaching or suggestion of the subject matter of claims 24 and 34. In particular, the claims require that an indication of the identity of the user who generated the audio stream be received – followed by selection of a user-dependent speech grammar for use by a speech recognition process in dependence upon the received user identity. There is nothing in Vysotsky that teaches using a different speech grammar in a speech recognition process in dependence upon a received user identity. If the Examiner continues to believe differently, then it is respectfully requested that this teaching be more particularly identified.


Given the fundamental deficiencies of the cited references already discussed, it is not necessary at this time to detail additional deficiencies with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, it is impossible to support even a *prima facie* case of “obviousness” unless the cited prior art teaches or suggests each and every feature of the rejected claims.

Simon P. A. RINGLAND, *et al.*
Serial No. 10/581,290
March 30, 2010

Accordingly, this entire application is now believed to be in allowable condition,
and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Raymond Y. Mah, Reg. No. 41,426
for
Larry S. Nixon, Reg. No. 25,640

LSN:lef

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100